

**UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAGUE OF WOMEN VOTERS
OF MICHIGAN, ROGER J. BRDAK,
FREDERICK C. DURHAL, JR.,
JACK E. ELLIS, DONNA E.
FARRIS, WILLIAM "BILL" J.
GRASHA, ROSA L. HOLLIDAY,
DIANA L. KETOLA, JON "JACK"
G. LASALLE, RICHARD "DICK"
W. LONG, LORENZO RIVERA
and RASHIDA H. TLAIB,

Plaintiffs,

v.

RUTH JOHNSON, in her official
Capacity as Michigan
Secretary of State,

Defendant.

Case No. 2:17-cv-14148

Hon. Eric L. Clay
Hon. Denise Page Hood
Hon. Gordon J. Quist

**NON-PARTY MICHIGAN
REDISTRICTING RESOURCE
INSTITUTE'S AMENDED
MOTION TO QUASH SUBPOENA
AND/ OR FOR PROTECTIVE
ORDER**

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NON-PARTY MICHIGAN REDISTRICTING RESOURCE INSTITUTE'S
AMENDED MOTION TO QUASH SUBPOENA AND/OR FOR
PROTECTIVE ORDER¹

¹ On July 25, 2018, Non-Party Michigan Redistricting Resource Institute filed a Motion to Quash Subpoena and/or For Protective Order. In that Motion, counsel incorrectly indicated that pursuant to Local Rule 7.1, counsel had sought concurrence in the relief requested and Plaintiffs' did not grant such concurrence. Concurrence has now been sought as correctly stated in the instant Amended Motion.

Non-Party Michigan Redistricting Resource Institute (“MRRI”) by and through their undersigned counsel, moves to quash the Subpoena *duces tecum* served upon it to the extent that it requests attorney-client and attorney work-product privileged information. Alternatively, MRRI requests that a Protective Order be issued precluding discovery of privileged information and states as follows:

Plaintiffs’ Counsel issued a *Subpoena duces tecum* (the “Subpoena,” attached as Exhibit A to the Brief) on non-party MRRI seeking production of certain documents relating to the Michigan Senate and House of Representatives’ introduction, consideration, or passage of Michigan’s current apportionment plan, constituting three redistricting maps derived from the passage of Michigan Senate Bill 498 (2011) and Michigan House Bill 4780 (2011) (the “Legislation”).

MRRI has no staff or members but was formed, in part, to assist in funding efforts to develop fair and legal redistricting plans for the Michigan legislature and for Michigan’s congressional districts. Plaintiffs’ counsel served the identical form based *Subpoena deuces tecum* on various other non-parties as well as MRRI without regard to whether there is a reasonable, or any, likelihood that the requested documents exist or are possessed by the non-parties. The Subpoenas are an unadulterated “fishing” expedition. With regard to MRRI, the only documents in its possession are privileged invoices received from law firms retained to

provide legal advice to the House and Senate Republican caucuses and expert consultants, on information and belief, who were retained the law firms to consult with regarding issues related to redistricting. The invoices include detailed explanations of the services performed. Such detail exposes legal strategy, services performed, and other confidential and privileged information.

The attorney-client and attorney work privilege exceptions preclude providing the detailed information other than the amount of the invoices and the payee.

Pursuant to Local Rule 7.1, on July 26, 2018, counsel for MRRI sought Plaintiffs' counsel's concurrence in the relief requested by email and telephonically. Plaintiffs' have not responded to such concurrence request at this time.

WHEREFORE, pursuant to Fed. R. Civ. P. Rule 45(d)(3) and for the reasons set forth more fully in the accompanying brief, MRRI requests that the Court enter an order quashing the Subpoenas to the extent that they request privileged information protected by attorney-client and/or attorney work product privileges and, enter a protective order precluding inquiry by Plaintiffs into the privileged information.

Respectfully submitted,

Date: July 26, 2018

By: /s/ Gary P. Gordon

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2018, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record. I hereby certify that I have mailed by United States Postal Service the same to any non-ECF participants.

/s/ Gary P. Gordon

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